

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WAYNE ROSE,

Plaintiff,

v.

ORDER

02-CV-5370 (NGG)(LB)

ROBERT GOLDMAN, WILLIAM FORD,  
JUDE OKORA, COLLEEN WALSH,  
EVELYN SANTIAGO, CHRISTOPHER  
STANECKI, ANTHONY CASALE, JR.,  
CAMILLE KENNY, ARTHUR D'ITALIA,  
CHRISTOPHER KAZLAU, L. DEBELLO,  
DAVID BETHEL, SYLVIA WAY, the  
CITY OF NEW YORK, and the STATE OF  
NEW JERSEY,

Defendants.

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GARAUFIS, United States District Judge.

Presently before the court is the April 13, 2005 motion by the defendants New York City Probation Officers Robert Goldman, David Bethel and Sylvia Way to consolidate a case pending in the Southern District of New York (Rose v. Bethel, et al., 03-CV-1241) with the above-captioned action to be heard before this court. The defendants contend that these suits should be consolidated under Rule 42(a) of the Federal Rules of Civil Procedure because they arise out of the same events and involve common issues of law and fact. On April 16, Rose wrote the court opposing the defendants' motion.

The court denies the defendants' motion for consolidation because under Rule 42(a), "a district court may not consolidate an action pending before it with an action pending in another district court." Smith v. City of New York, 950 F.Supp. 55, 59 (E.D.N.Y. 1996) (citing Town of Warwick v. New Jersey Dep't of Env'tl. Prot., 647 F.Supp. 1322, 1324 (S.D.N.Y. 1986)); see

also 9 Wright, Miller, Cooper, Federal Practice & Procedure 2d § 2382, at 435 (1995) (“Actions pending in different districts may not be consolidated . . .”).

SO ORDERED.

Date: April 19, 2005  
Brooklyn, New York

/s/ Nicholas Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge